

Appendix C.

Section 1045 of the Penal Law of the State of New York:

“§1045. Punishment for murder in first degree:

Murder in the first degree is punishable by death, unless the jury recommends life imprisonment as provided by section ten hundred forty-five-a. As amended L. 1937, c. 67, §1, eff. March 17, 1937.”

Appendix D.

Section 1045-a of the Penal Law of the State of New York:

“§1045-a. Life imprisonment for felony murder; jury may recommend.

A jury finding a person guilty of murder in the first degree, as defined by subdivision two of section ten hundred forty-four, may, as a part of its verdict, recommend that the defendant be imprisoned for the term of his natural life. Upon such recommendation, the court may sentence the defendant to imprisonment for the term of his natural life. Added L. 1937, c. 67, §2, eff. March 17, 1937.”

Appendix E.

Section 165 of the Code of Criminal Procedure of the State of New York:

“§165. Defendant, upon arrest, to be taken before magistrate.

The defendant must in all cases be taken before the magistrate without unnecessary delay; and he may give bail at any hour of the day or night. As amended L. 1882, c. 360, §1; L. 1887, c. 694. Eff. 20 days after June 24, 1887.”

Appendix F.

Section 391 of the Code of Criminal Procedure of the State of New York.

“§391. Separate trial of defendants jointly indicted defendant, jointly indicted, may be tried separately or jointly in the discretion of the court. As amended L. 1926, c. 461. Eff. July 1, 1926.”

Appendix G.

Section 395 of the Code of Criminal Procedure of the State of New York.

“§395. Confession of defendant, when evidence, and its effect.

A confession of a defendant, whether in the course of judicial proceedings or to a private person, can be given in evidence against him, unless made under the influence of fear produced by threats, or unless made upon a stipulation of the district attorney, that he shall not be prosecuted therefor; but is not sufficient to warrant his conviction, without additional proof that the crime charged has been committed.”

Appendix H.

Section 223 of the Executive Law of the State of New York:

“§223. DUTIES AND POWERS OF THE SUPERINTENDENT OF STATE POLICE AND OF MEMBERS OF THE STATE POLICE.

“It shall be the duty of the superintendent of the state police and of members of the state police to prevent and detect crime and apprehend criminals. They shall also be subject to the call of the governor and are empowered to co-operate with any other department of the state or with local authorities. They shall have power to arrest, without a warrant, any person committing or attempting to commit within their presence or view a breach of the peace or other violation of law, to serve and execute warrants of arrest or search issued by proper authority and to exercise all other powers of peace officers of the State of New York. Any such warrants issued by any magistrate of the state may be executed by them in any part of the state according to the tenor thereof without indorsement. But they shall not exercise their powers within the limits of any city to suppress rioting and disorder except by direction of the governor or upon the request of the mayor of the city with the approval of the governor.”

Appendix I.

United States Code, Section 1257, subdivision 3:

“§1257. STATE COURTS; APPEAL; CERTIORARI.

“Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:

“(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States. June 25, 1948, c. 646, 62 Stat. 929.”